RECORD AND BRIEFS

Supreme Court, U.S.
FILED
SEP 18 2017
OFFICE OF THE CLERK

Nos. 16-1436 and 16-1540

IN THE

Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL., PETITIONERS,

v.

INTERNATIONAL REFUGEE ASSISTANCE PROJECT, ET AL., RESPONDENTS.

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL., PETITIONERS,

v.

STATE OF HAWAII, ET AL., RESPONDENTS.

On Writs of Certiorari to the United States Courts of Appeals for the Fourth and Ninth Circuits

BRIEF OF INTERNATIONAL LABOR ORGANIZATIONS AS AMICI CURIAE SUPPORTING RESPONDENTS

LYNN K. RHINEHART
HAROLD C. BECKER
MATTHEW J. GINSBURG
AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
815 16th St., NW
Washington, DC 20006
Counsel for Amicus AFL-CIO

NICOLE G. BERNER
DEBORAH L. SMITH
Counsel of Record
LEO GERTNER
TRISHA PANDE
SERVICE EMPLOYEES INTERNATIONAL UNION
1800 Massachusetts Ave., NW
Washington, DC 20036
(202) 730-7168
debbie.smith@seiu.org

Additional Counsel on Inside Cover

Mosaic - (301) 927-3800 - Cheverly, MD

JUDITH RIVLIN
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
1101 17th St., NW, Suite 900
Washington, DC 20036
Counsel for Amicus AFSCME

DAVID J. STROM
AMERICAN FEDERATION OF TEACHERS, AFL-CIO
555 New Jersey Ave., NW
Washington, DC 20001
Counsel for Amicus AFT

JODY CALEMINE
COMMUNICATIONS WORKERS OF AMERICA
501 3rd St., NW
Washington, DC 20001
Counsel for Amicus CWA

JOSEPH E. KOLICK, JR.
INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, AFL-CIO
7234 Parkway Dr.
Hanover, MD 21076
Counsel for Amicus IUPAT

NIRAJ R. GANATRA
AVA BARBOUR
INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW)
8000 E. Jefferson Ave.
Detroit, MI 48214
Counsel for Amicus UAW

MARIO MARTÍNEZ
MARTÍNEZ AGUILASOCHO & LYNCH, APLC
1527 19th St., Suite 332
Bakersfield, CA 93301
Counsel for Amicus UFW

NICHOLAS CLARK
UNITED FOOD AND COMMERCIAL WORKERS
1775 K Street, NW
Washington, DC 20006
Counsel for Amicus UFCW

RICHARD J. BREAN
UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO-CLC
60 Boulevard of the Allies, Suite 807
Pittsburgh, PA 15222
Counsel for Amicus USW

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

STATEMENTS OF INTEREST 1

INTRODUCTION AND SUMMARY OF ARGUMENT 8

ARGUMENT 9

I. The Challenged Executive Order Causes Irreparable Harm by Separating Citizens and Immigrants from Family Members Abroad 9

II. The Executive Order Promotes Anti-Muslim Hostility, Discrimination, and Stigma 13

III. Union Members and Their Families Have Been Harmed by the Executive Order 17

CONCLUSION 34

TABLE OF AUTHORITIES

2017 on Track to Becoming One of the Worst Years Ever for Anti-Muslim Hate Crimes, CAIR, http://islamophobia.org/158-key-issues-in-islamophobia/209-2017-on-track-to-becoming-one-of-the-worst-years-ever-for-anti-muslim-hate-crimes.html (last updated July 19, 2017) 14

Bart Jansen, *Minnesota Airport Worker from Sudan Fights Travel Ban*, USA Today, Apr. 21, 2017, https://www.usatoday.com/story/news/2017/04/21/travel-ban-abu-talib-ali-fights-religious-discrimination-in-appeal-against-president-trumps-order/100716824..... 18, 19, 20

CAIR-AZ Calls for Hate Crime Probe for Iraqi-American Business Vandalized with Nazi Symbol, CAIR, https://www.cair.com/ (last updated Sept. 5, 2017)..... 15, 16

Carola Suárez-Orozco et al., *I Felt Like My Heart Was Staying Behind: Psychological Implications of Family Separations & Reunifications for Immigrant Youth*, 26(2) J. of Adolescent Res. 222 (2010) 10, 11, 12

Cecile Rousseau et al., *Trauma and Extended Separation from Family among Latin American and African Refugees in Montreal*, 64(1) Psychiatry 40 (2001) 12, 13

Dana Rusch & Karina Reyes, *Examining the Effects of Mexican Serial Migration and Family Separations on Acculturative Stress, Depression, and Family Functioning*, 35(2) Hispanic J. Behav. Sci. 139 (2012) 10

David K. Androff et al., *U.S. Immigration Policy and Immigrant Children's Well-being: The Impact of Policy Shifts*, 38(1) J. of Soc. & Welfare 77, 90 (2011) 17

David R. Williams, Ph.D., et al., *Health Effects of Dramatic Social Events—Ramifications of the Recent Presidential Election*, 376(23) New Eng. J. of Med. 2295 (June 8, 2017) 15, 16, 17

Dena Hassouneh, Ph.D., *Anti-Muslim Racism and Women's Health*, 26(5) J. of Women's Health 401 (2017) 16

Executive Order 13780, 82 Fed. Reg. 13209 (2017) ..... *passim*

Goleen Samari, *Islamophobia and Public Health in the United States*, 106(11) Persp. from the Soc. Sci. 1920 (Nov. 2016) 17

Jeanne Miranda et al., *Depression Among Latina Immigrant Mothers Separated from their Children*, 56(6) Psychiatric Servs. 717 (2005) 12

Karlijn Haagsman et al., *Transnational Families and the Subjective Well-Being of Migrant Parents: Angolan and Nigerian Parents in the Netherlands*, 38:15 Ethnic & Racial Stud. 2652 (2015) 9

Kevin L. Nadal et al., *Subtle and Overt Forms of Islamophobia*, VI(2) J. of Muslim Mental Health 15 (2012)..... 13

Muniba Saleem & Srividya Ramasubramanian, *Muslim Americans' Responses to Social Identity Threats: Effects of Media Representations and Experiences of Discrimination*, Media Psychol. (Apr. 4, 2017), http://www.tandfonline.com/doi/full/10.1080/15213269.2017.1302345 16

Pew Research Ctr., The Future of World Religions: Population Growth Projections, 2010-2050 (Apr. 2, 2015), http://www.pewforum.org/2015/04/02/religious-projections-2010-2050/ 14

Rebecca A. Clay, *Islamophobia: Psychologists Are Studying the Impact of Anti-Muslim Sentiment and Exploring Ways To Prevent It*, 48(4) Monitor on Psychol. 34 (Apr. 2017) 14

Sara Reardon, *Health Toll of Immigration Policies Begins To Emerge*, 544 Nature 148 (Apr. 13, 2017) 11

Sarah Horton, *A Mother's Heart Is Weighed Down with Stones: A Phenomenological Approach to the Experience of Transnational Motherhood*, 33 Culture, Med., & Psychiatry 21(2009) 9

STATEMENTS OF INTEREST

Amici curiae are the Service Employees International Union (SEIU); American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME); American Federation of Teachers (AFT); Communications Workers of America, AFL-CIO (CWA); International Union of Painters and Allied Trades (IUPAT); International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO (UAW); United Farm Workers of America (UFW); United Food and Commercial Workers (UFCW); and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC (USW).

Service Employees International Union (SEIU) is a labor organization of approximately two million working men and women in the United States and Canada.[1] SEIU's members include foreign-born U.S. citizens, lawful permanent residents, and immigrants

---

[1] No counsel for a party authored any part of this brief and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. Only the amici and their attorneys have paid for the filing and submission of this brief. All parties have consented to the filing of this brief.

authorized to work in the United States. Many of SEIU's members have mixed-status families. As described below, SEIU members are directly affected by the challenged Executive Order.

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) is a federation of 57 national and international labor organizations with a total membership of over 12 million working men and women. The AFL-CIO has long been concerned with federal immigration matters as they affect the many members of its affiliated unions who are immigrants to this nation and their families, as well as the rights of immigrant workers more generally.

American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), is a union of 1.6 million members in the United States and Puerto Rico, both in the public and private sectors, who share a commitment to service. AFSCME is participating in this case to advance its mission of helping all working people, including immigrants and people of color, achieve the American dream regardless of their identity. AFSCME is proud to represent members who have immigrated from the six countries targeted by the illegal ban at issue, and/or who have family members who currently live in those countries, and staunchly opposes their being unconstitutionally subjected to the harms detailed in this brief. The public servants

of AFSCME, and indeed all Americans, deserve better.

The American Federation of Teachers (AFT), an affiliate of the AFL-CIO, was founded in 1916 and today represents approximately 1.7 million members who are employed across the nation in K-12 and higher education, public employment, and healthcare. The AFT has a longstanding history of supporting and advocating for the civil rights of our members and the communities they serve. AFT members at a variety of institutions provide essential and necessary services, such as healthcare and education, to the public. Many of these members, especially those at institutions of higher education, are involved in global collaborations and in teaching and research duties that are being disrupted and threatened by the Executive Order. Additionally, a significant number of AFT members were born in, or have friends or family members in, the six countries named in the Executive Order. These members are directly impacted by the travel restrictions, which have affected their ability to work, travel, connect with, and care for their communities.

The Communications Workers of America, AFL-CIO (CWA), is an international labor union representing more than 700,000 workers in the telecommunications, media, manufacturing, airlines, and health care industries and in a wide variety of public sector positions in the United States, Canada, and Puerto Rico. CWA

represents and advocates on behalf of workers of all creeds in the United States and abroad with respect to workplace rights and broader political and civil rights. In light of recent developments in U.S. domestic politics and federal policy that have targeted people of Islamic faith with discrimination, including those who may be members of the union or family members thereof, the CWA Convention resolved this year to continue the union's "fight against discrimination in all its forms, including the targeting of people of the Islamic faith," and to "act in defense of and solidarity with those targeted by Islamophobia in our union, our workplaces, and our communities."

The International Union of Painters and Allied Trades (IUPAT) is a labor organization comprised of approximately 140,000 members. Our members work as commercial and industrial painters, glaziers, drywall finishers, floor coverers, trade show workers and in many other occupations. IUPAT welcomes any person who does the work we do. Our members are of many races, practice many religions, were born in many countries, speak many languages and have different political views. To be effective, our membership must stand together as one despite these differences. By discriminating against individuals from certain majority-Muslim countries, the Executive Order harms our members. It most directly harms our members who come from, or have family in, one of the targeted majority-Muslim countries.

Beyond that, such State-sponsored discrimination runs counter to a core principle for which IUPAT advocates, equal treatment of all.

The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), an affiliate of the AFL-CIO, has nearly one million active and retired members throughout the United States, Canada, and Puerto Rico. Since its founding in 1935, the UAW's membership has included immigrants from around the globe, and the UAW opposes any policies that discriminate against immigrants and non-immigrants alike based on their religion or national origin.

The UAW and its affiliated Local Unions represent workers in diverse sectors, including over 40,000 academic student employees and post-doctoral researchers at universities in the United States. Many of these workers are foreign-born nationals of the six Muslim-majority countries targeted by the Executive Order and are naturalized U.S. citizens or hold valid visas permitting them to study, live, and work in the United States. The Executive Order has disrupted their ability to travel freely into and outside of the country to visit family and loved ones and to conduct research related to their university employment and course of study, and prevented their family members from traveling to the United States.

United Farm Workers of America (UFW) represents thousands of migrant and seasonal farmworkers in various agricultural occupations throughout the country and has members of diverse racial, ethnic, and immigration backgrounds throughout the United States. UFW seeks to improve the lives, wages, and working conditions of agricultural workers and their families through collective bargaining, worker education, state and federal legislation, and through public campaigns. Since its founding in 1962 by Cesar Chavez, UFW has been dedicated to the cause of eliminating discrimination against farmworkers, Latinos, and any other groups that have been the target of unfair or unlawful treatment. UFW members, their families, and other farmworkers represented by UFW are directly affected by the challenged Executive Order.

United Food and Commercial Workers International Union (UFCW) is a labor organization which represents working men and women across the United States. UFCW's 1.3 million members work in a range of industries, with the majority working in retail food, poultry and meatpacking, food processing and manufacturing, and non-food retail. UFCW's objective is the elevation of its members through first-class wages, hours, benefits, and working conditions. And that objective extends to the uplift of the families of its members.

UFCW and its predecessor unions have represented immigrants from around the world since the beginning of the last century, particularly workers in the packinghouses and stockyards. Immigrant workers continue to form a vital part of these and other workforces that UFCW represents. UFCW has members from the nations whose citizens are banned by the Executive Order. UFCW is aware that many of these workers experienced wrenching separation from their homelands due to war and famine. Accordingly, UFCW opposes religious and national origin discrimination and forced family separation.

The United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO-CLC (USW), is the largest industrial union in the United States and also represents tens of thousands of workers in health care and other service sectors. USW is deeply concerned with American immigration policy, both as it affects our members who are immigrants and other immigrants.

INTRODUCTION AND SUMMARY OF ARGUMENT

The issue in this case is whether the President's Executive Order that singles out six predominantly Muslim countries—following presidential campaign promises and post-election assurances of a "Muslim ban"—violates the Constitution or immigration laws of the United States.

Amici submit this brief to demonstrate the devastating consequences of the President's actions for individuals in the United States. The challenged Executive Order 13780, 82 Federal Register 13209 (2017), separates families and has already been associated with increased anti-Muslim discrimination and violence. Myriad studies show that such family separation and religious intolerance have concrete, negative effects on the physical and psychiatric well-being of targeted groups. The stories of individual union members recounted below confirm and illustrate that research, demonstrating the concrete effects, trauma, and stigma inflicted by the Executive Order on U.S. citizens and persons lawfully present in the United States.

To be sure, some members of our society harbored anti-Muslim animus before President Trump issued Executive Order 13780. But that makes the harm done by the Order all the more consequential. Instead of redressing or ameliorating the threat to Muslims and their families in the United States, the President's

action exacerbates that threat by giving discrimination and intolerance the official imprimatur of the most important elected official in our democracy.

ARGUMENT

I. The Challenged Executive Order Causes Irreparable Harm by Separating Citizens and Immigrants from Family Members Abroad.

The negative physical and mental health consequences of compelled family separation are both obvious and well-documented. Numerous studies and reports document the harm of such separation.

Studies of transnational families, for example, document and explain how separation negatively affects parents and children as individuals and the bond between them. *See, e.g.*, Sarah Horton, *A Mother's Heart Is Weighed Down with Stones: A Phenomenological Approach to the Experience of Transnational Motherhood*, 33 Culture, Med., & Psychiatry 21, 21–40 (2009). The limits on physical interaction imposed by geographic separation make intimate relations between parents and children challenging and, consequently, the parent-child bond suffers. *See* Karlijn Haagsman et al., *Transnational Families and the Subjective Well-Being of Migrant Parents: Angolan and Nigerian Parents in the Netherlands*, 38:15 Ethnic & Racial Stud. 2652, 2653–54 (2015).

"This loss of intimacy and frustrated efforts to maintain close bonds . . . can cause severe emotional distress for both parents and children who feel that the bond is deteriorating." *Id.* at 2654.

For parents, the pain of separation is often accompanied by feelings of guilt. *See id.* And because norms of "good mothering" frequently assume that women are primary caregivers and responsible for reproductive care work, women especially tend to be emotionally affected by family separation. *Id.* Geographic distance prevents women from fulfilling expected roles, and, as a result, "women feel guilty, ashamed and stigmatized." *Id.*

The pain of separation is long-lasting for parents. One study found that parents recalled the circumstances of their family's migration process and "emotionally laden details of their family separations" even after living in the United States for ten years or more. Dana Rusch & Karina Reyes, *Examining the Effects of Mexican Serial Migration and Family Separations on Acculturative Stress, Depression, and Family Functioning*, 35(2) Hispanic J. Behav. Sci. 139, 151 (2012).

Not surprisingly, family separation inflicts serious harm on children as well. One 14-year-old girl described her experience this way: "The day I left my mother I felt like my heart was staying behind." Carola Suárez-Orozco et al., *I Felt Like My Heart Was Staying Behind:*

Psychological Implications of Family Separations & Reunifications for Immigrant Youth, 26(2) J. of Adolescent Res. 222, 240 (2010). The separation is damaging even though parents may try to maintain contact through letters, phone calls, and contributions to their children's material well-being. *Id.* And children face difficult experiences not only when they are first separated from their parents but also at reunification, when children can feel disoriented, estranged from their parents, mistrustful, and uncomfortable in their new family dynamic (sometimes including new siblings). *Id.* at 242–45. Children also experience a sense of loss all over again as they are separated from interim caretakers. *Id.*

Studies show that family separation has meaningful physiological consequences as well. Family separation is almost inevitably accompanied by "[p]rolonged exposure to serious stress—known as toxic stress," which the American Academy of Pediatrics has warned "can harm the developing brain and negatively impact short- and long-term health." Sara Reardon, *Health Toll of Immigration Policies Begins To Emerge*, 544 Nature 148 (Apr. 13, 2017).

Furthermore, "[a] number of clinical studies . . . show that there are substantial negative psychological repercussions for immigrant children and youth who have been separated from their parents." Suárez-Orozco, *supra*, at

227. Children who feel abandoned by their parents may respond with despair and detachment, *id.*, and separated children are more likely to report symptoms of anxiety and depression in the initial years after migration than children who were not separated from their parents. *Id.* at 222; *see also* Jeanne Miranda et al., *Depression Among Latina Immigrant Mothers Separated from their Children*, 56(6) Psychiatric Servs. 717, 720 (2005) (finding that immigrant Latinas separated from their children are at greater odds for depression than women not separated).

Family separation has particularly severe consequences for those fleeing trauma who are admitted to the United States as refugees. Data indicate that "the family plays a central role in modulating the processes that influence the aftermath of trauma." Cecile Rousseau et al., *Trauma and Extended Separation from Family among Latin American and African Refugees in Montreal*, 64(1) Psychiatry 40, 57 (2001). The family is "an anchor for both emotion and identity" and aids "torture victims who often feel estranged and alienated." *Id.* For refugees able to stay together with family, the presence of close relatives can even "seem to transform adversity into a source of strength, perhaps by aiding in the rebuilding of a meaningful universe." *Id.*

By contrast, refugees separated from their loved ones feel "more disoriented than those

living with at least part of their families" and "seem more overwhelmed by unspeakably painful memories." *Id.* at 56. They are also "tormented daily by worry about what will become of the family members still overseas," *id.* at 49, and feel significant guilt about having left their families behind with threats of reprisals looming over them, *id.* at 41. "For refugees who have had traumatic experiences, extended separation from family members may serve as a continuing link to an unbearable past . . . ." *Id.* at 41.

II. The Executive Order Promotes Anti-Muslim Hostility, Discrimination, and Stigma.

In addition to causing harm via forced family separation, the challenged Executive Order promotes stigma and encourages anti-Muslim hostility and violence.

A persistent theme in anti-Muslim discrimination is the allegation and assumption that Muslims are not "real" Americans—and are perpetual outsiders and aliens in their own land, despite viewing themselves as completely American. *See, e.g.*, Kevin L. Nadal et al., *Subtle and Overt Forms of Islamophobia*, VI(2) J. of Muslim Mental Health 15, 22, 27–28 (2012). The anti-Muslim rhetoric used by President Trump before and after his election has encouraged such erroneous claims, and the singling out of predominantly Muslim countries for disfavored treatment furthers and deepens the sense of Muslims as unwelcome outsiders.

Indeed, the announcement of the Executive Order is seen by many as encouraging the false and dangerous equating of Islam, one of the world's great religions and the faith tradition of 23% of the world's population,[2] with violence and terrorism. *See generally* Rebecca A. Clay, *Islamophobia: Psychologists Are Studying the Impact of Anti-Muslim Sentiment and Exploring Ways To Prevent It*, 48(4) Monitor on Psychol. 34 (Apr. 2017). President Trump himself cited the September 11 attacks as justification for the Order, even though none of the men behind those attacks (or any subsequent, fatal terrorist attack in the United States) hailed from the targeted countries. *See id.* The reference to September 11 thus makes sense *only* if one links Muslims generally with terrorism.

Having that link drawn from the White House and embodied in official policy gives people tending toward Islamophobia the permission to act on their biases. A quarterly report by the Council on American-Islamic Relations (CAIR) shows that the number of anti-Muslim hate crimes in the first half of 2017 spiked 91% as compared to the same period in 2016. *See 2017 on Track to Becoming One of the Worst Years Ever for Anti-Muslim Hate Crimes*, CAIR, http://islamophobia.org/158-key-issues-in-

---

[2] Pew Research Ctr., The Future of World Religions: Population Growth Projections, 2010-2050, at 6 (Apr. 2, 2015), http://www.pewforum.org/2015/04/02/religious-projections-2010-2050/.

islamophobia/209-2017-on-track-to-becoming-one-of-the-worst-years-ever-for-anti-muslim-hate-crimes.html (last updated July 19, 2017). Disturbingly, the Southern Poverty Law Center found that post-election incidents of harassment and intimidation were most commonly reported in K-12 schools. *See* David R. Williams, Ph.D., et al., *Health Effects of Dramatic Social Events—Ramifications of the Recent Presidential Election*, 376(23) New Eng. J. of Med. 2295, 2296 (June 8, 2017).

There has also been a noticeable escalation in violence, as reflected in the very recent incident of fires, Nazi graffiti, and broken glass at an Iraqi-American business in downtown Flagstaff, Arizona, which followed the ripping up of copies of the Quran at a Tucson mosque in March, which followed broken windows at a Middle Eastern bakery in Phoenix shortly before that. *See CAIR-AZ Calls for Hate Crime Probe for Iraqi-American Business Vandalized with Nazi Symbol*, CAIR, https://www.cair.com/ (last updated Sept. 5, 2017).

The hostility and discrimination encouraged by the Executive Order's singling out of predominantly Muslim countries has negative physical and mental health consequences as well for those who feel targeted. As explained recently in the New England Journal of Medicine, "communities who feel vulnerable because they belong to a stigmatized, marginalized, or targeted group" can experience

negative health effects as a result. Williams, *supra*, at 2295. With respect to people of Middle Eastern descent, in particular, a post-September 11 study conducted in the Detroit area "found that experiences of discrimination and abuse . . . were positively associated with physiological distress . . . ." *Id.* at 2296. Another study found that Arab-American women in California experienced increased risk of low-birth-weight babies or pre-term births in the six months after September 11; women in other racial and ethnic groups did not experience any similar effects. *Id.*

Additional research has found an association between religious discrimination and depression in American Muslim women. *See* Dena Hassouneh, Ph.D., *Anti-Muslim Racism and Women's Health*, 26(5) J. of Women's Health 401 (2017). And another study of Muslim Americans found that those who reported experiencing discrimination were more likely to distrust, display negative attitudes, and display avoidant behaviors toward majority group members. *See* Muniba Saleem & Srividya Ramasubramanian, *Muslim Americans' Responses to Social Identity Threats: Effects of Media Representations and Experiences of Discrimination*, Media Psychol. (Apr. 4 2017), http://www.tandfonline.com/doi/full/10.1080/15213269.2017.1302345.

Research also shows the negative health effects of discrimination more generally. One 2015 study found an elevated risk of death

among adults residing in communities where levels of racial prejudice were high, Williams, *supra*, at 2296, and immigrant children exposed to discrimination have been found to suffer adverse psychological consequences, David K. Androff et al., *U.S. Immigration Policy and Immigrant Children's Well-being: The Impact of Policy Shifts*, 38(1) J. of Soc. & Welfare 77, 90 (2011). Everyday experiences of discrimination have also been associated with coronary artery calcification, high blood pressure, poor sleep, and depression, distress, and anxiety. Goleen Samari, *Islamophobia and Public Health in the United States*, 106(11) Persp. from the Soc. Sci. 1920, 1921 (Nov. 2016). Moreover, research indicates that associated stress adversely affects health not only through actual experiences but also because of rumination, vigilance, and worry over potential exposure. *See* Williams, *supra*, at 2297.

III. Union Members and Their Families Have Been Harmed by the Executive Order.

Millions of employees nationwide are united in the amici unions, and many union members and their families have been harmed by the travel-ban Order. The experiences of individual union members confirm and illustrate the social science data cited above.[3]

---

[3] The individuals whose stories are told below all consented to having their experiences recounted here,

Footnote continued on next page

Abu Talib Ali

Abu Talib Ali is a 58-year-old wheelchair agent at Minneapolis-St. Paul International Airport who has lived in the United States since 2010 when he arrived from his native Sudan and was granted asylum. Abu Talib's wife, Maha, and his three children followed in 2013.

In Sudan, Abu Talib was a lawyer and involved in politics, in addition to being president of his local soccer club in the city of Shendi. As a politician in his city, Abu Talib opposed the Muslim Brotherhood's imposition of religious law. As a result, the government imprisoned and tortured him for a year during which time he lost 33 pounds.

Looking back on that period, Abu Talib describes a "very bad feeling — very sad — because I was human. They beat us like animals. . . . It was very terrible. Every second, every hour you think they are going to take you out for torture. Abu Talib this is your turn . . . ." Bart Jansen, *Minnesota Airport Worker from Sudan Fights Travel Ban*, USA Today, Apr. 21, 2017, https://www.usatoday.com/story/news/2017/04/21/travel-ban-abu-talib-ali-fights-

---

Footnote continued from previous page
and records of the interviews conducted with them are on file with undersigned counsel. Some participants chose to maintain a measure of anonymity by using first names or initials only.

religious-discrimination-in-appeal-against-president-trumps-order/100716824/.

Abu Talib was eventually able to come to the United States with the help of an American law professor who learned of his case while she was working at the University of Khartoum.

Now, Abu Talib, his wife (who also works at the airport), and two of his children are legal permanent residents with green cards. Two of Mr. Ali's children live with him in Minneapolis: Sadam, who is 24 and working while attending Normandale Community College, and Sajda, who is 18 and will graduate from Kennedy High School soon. Both children hope to apply for citizenship next year.

Another daughter, Maab, returned to Sudan to study medicine at the University of Khartoum before obtaining her green card, and Abu Talib is afraid that because of the Executive Order he will not be able to visit his daughter and she will not be able to return to the United States. He fears that if he visits Sudan as a legal permanent resident of the United States, he will not be allowed to return.

Abu Talib has eight brothers and sisters in Sudan. He says, "My sisters cry for me to visit them, but I am afraid to leave now." *Id.* Abu Talib would also like to return to Sudan in order to sell some of his family's property, including a farm and some houses, so that he can bring the money here to start a business in his community in Minnesota. He says: "My life is very good

here in Minnesota. I just want to be able to put my old life behind me, and focus on the future here. It's important to be able to bring my family together." *Id.*

Dr. K.Z.

Dr. K.Z. is an internal medicine resident at a New York teaching hospital in Brooklyn, New York, and a member of SEIU's Committee of Interns and Residents (CIR). In 1998, Dr. K.Z. and his family fled persecution in Iran and entered the United States with refugee status. Although born in Iran, Dr. K.Z. became a naturalized U.S. citizen more than a decade ago.

Two months ago, Dr. K.Z. married Dr. N.N., a gastroenterology fellow who works at the same hospital and is also a CIR member. Dr. N.N. is a legal resident and citizen of Iran. As the couple planned their wedding, they did everything in their power to ensure that Dr. N.N's Iranian father would be able to come to the United States and participate in the wedding ceremony.

After issuance of the Executive Order, Dr. N.N's father was denied permission to enter the United States. The couple sought and received the assistance of their congressional representative, but even that did not help, and Dr. N.N's father was unable to give his daughter away during the wedding ceremony.

Dr. K.Z. says that his "wife was heart-broken that her father, the parent who had raised her, could not attend our wedding or participate in

the wedding rituals that meant so much to her. Her father's absence tainted what was to be one of the best days of our lives."

Dr. K.Z., while respectful of his Iranian heritage, feels completely Americanized. He completed his undergraduate work at the University of California, Los Angeles, and graduated from the University of California's Davis School of Medicine. Dr. K.Z.'s hospital serves low-income patients from diverse backgrounds, including Orthodox Jews and people of Arab, Chinese, Latin, Russian, Caribbean, and South and Southeast Asian descent. When Dr. K.Z. completes his residency, he intends to continue working in a U.S. hospital with a diverse group of patients providing critical care and treatment to patients suffering from cancer.

Dr. K.Z. was deeply disturbed and shaken by his personal experience with President Trump's Executive Order. "The United States welcomed and encouraged me and I truly believed that the words on the Statute of Liberty were meant for me." But "[i]t has been a crushing personal disappointment to learn that the citizens of certain countries, people like my father-in-law, were no longer welcome. President Trump's Executive Order changed all that."

Sadia

Sadia is an airport worker and participant in SEIU 32BJ's airport workers organizing campaign. She is employed at Logan

International Airport in Boston, Massachusetts, and is a naturalized U.S. citizen born in Sudan. A widow and a single parent, Sadia lives in Chelsea, Massachusetts, with her six children, aged 26, 24, 17, 16, 12, and 8. She and her children came to the United States as refugees in January 2008.

In 2001, Sadia fled Sudan with her husband and children to escape political persecution by the Sudanese government. The family lived in Cameroon for almost one year before traveling to Ghana. For six years, the family lived in Ghana while their applications for refugee status in the United States were being processed. Sadia's husband died during that time in Ghana.

Sadia's eldest son currently has refugee status and is awaiting approval of his application for legal residency. Sadia's adult daughter is a legal resident, and her four minor children are U.S. citizens. But all of Sadia's remaining family—her parents, sisters, brothers and extended family—live in Sudan. Her 80-year-old father has not seen Sadia's children for more than 15 years and has never met three of them.

Sadia knows that under the Executive Order it will be impossible for her to petition for her father to immigrate to the United States or even to invite him to visit. It is Sadia's deepest wish that her father travel to the United States and come to know her children. She says: "I worry that my children are isolated from my heritage

and my family. We have no one in the United States. I can't afford the cost of visiting Sudan with my six children. But I dream of my children meeting my father before he dies."

While working at the airport, Sadia has been taunted and verbally abused because she wears a hijab, even though she is a loyal American. One man shouted at her to "get out of our country." Sadia believes that the Executive Order has increased the level of hostility against Muslims in the United States. "I think it shouldn't be important what religion you are. It was very painful to me to experience this treatment."

Abdi

Abdi is 32 years old and has worked for the past nine years at Minneapolis-St. Paul International Airport. He is a naturalized American citizen who was born in Somalia.

Before coming to the United States, Abdi spent several years in refugee camps with his mother and siblings. While Abdi lived in the camps, his education was interrupted several times. But once Abdi arrived in the United States at the age of 18, he completed high school and earned a bachelor's degree at Metropolitan State University in Minneapolis. Abdi was then able to bring his wife and one of his three children to the United States.

Unfortunately, visas for Abdi's two older children, aged nine and seven, were not granted

when his wife's was. As a result, Abdi's two older children still live in Somalia with his mother, who cares for them even though she is in her sixties. Abdi sends money but he fears they will not be able to travel to the United States to reunite with him if the Executive Order is upheld. He says, "I can't stop thinking about them. I have to be able to do this."

Abdi also worries about his and other relatives' ability to travel as Somali-born citizens. One of his aunts, an American citizen, wants to travel home to visit a sick uncle but worries about being detained on her way back. He says, "What kind of American value is this, to keep families apart?"

A.F.

A.F. is an Iranian citizen and member of the UAW and its Local 5810 who came to the United States for graduate studies in 2011. A.F. obtained his Ph.D. in chemical engineering in 2016 from a prestigious American university, and he currently works as a postdoctoral researcher at the University of California's Lawrence Berkeley National Laboratory (LBNL). After being offered the position at LBNL, A.F. underwent an extensive, nine-month-long background check conducted by the Department of Energy.

Since the signing of the Executive Order, A.F. has suffered from chronic stress and has felt unwelcome in the country where he has successfully lived, worked, studied, and paid

taxes for six years. A.F. has applied for a green card under a national interest waiver, but his application has been pending for more than 15 months. A.F. currently holds a single-entry visa and fears that if he leaves the United States he will not be permitted to reenter. Prior to the Executive Order, A.F.'s parents visited him in the United States, but now A.F. fears it is impossible for them or other members of his family to obtain a visa to visit the United States. In addition, A.F.'s work is impacted because he is unable to attend annual conferences, including the International Conference on Thermoelectrics, which are crucial for scientists in his field. Because of the Executive Order, A.F. fears that Iranian nationals like him are "doomed" to live in limbo.

A.T.

A.T. is an Iranian citizen enrolled in a Ph.D. program at the University of Washington. A.T. holds a single-entry F-1 visa. A.T. has been studying in the United States for the last four years and also works as an academic student employee. He is a member of the UAW and its Local 4121.

A.T. was in Iran visiting family in January 2017 when the first Executive Order was issued. A.T. was initially unable to secure a visa to return to his home and studies in the United States. He contacted UAW Local 4121, which worked to assist him in getting back into the country. As a result of assistance from

Washington State's governor, one of its senators, and a congressional representative, A.T. was lucky to be able to reenter the United States and resume his Ph.D. program while the first Executive Order was enjoined. However, due to the second Executive Order, he is currently unable to leave the United States again while he completes his studies; he has no family in the United States, and his parents, who are elderly and live in Iran, are unable to visit him here. A.T. is also deeply concerned that his inability to travel will inhibit his ability to complete his Ph.D. in a timely manner and begin his professional career.

Safyia Yonis

Safyia Yonis is a 46-year-old American citizen who was born in Somalia. She has lived in Minneapolis for the last 20 years, where she works as a janitor in a government building. Safyia and her husband, who was also born in Somalia, have seven children born in the United States, aged 3 to 16.

When civil war broke out in Somalia in 1991, Safyia fled to Kenya where she lived in a refugee camp. She says that life there was "very, very difficult," with no access to education or healthcare. When Safyia arrived in the United States two years later, she felt safe and grateful she could go to see the doctor, to school, and work.

Since the Muslim ban was announced, Safyia has felt increasingly afraid of violence and

harassment. Her sister and brother-in-law attend the mosque that was bombed on August 5 in the suburb of Bloomington.

Safyia worries in particular that her daughter, who is in high school and wears a hijab, could be a target for harassment. Safyia feels her daughter should not have to live in fear: "She is an innocent; she has done nothing wrong."

Mohammad Al Zayed

Mohammad Al Zayed is a 50-year-old Syrian refugee who arrived with his family in the United States in September 2016. Mohammad works at O'Hare International Airport as a janitor and lives on the far North Side of Chicago with his wife and three children. His two sons are 21 and 8, and his daughter is 19.

Before fleeing Syria, Mohammad and his family lived in a suburb outside Damascus. When unrest began to approach their community, the family fled into the capital. Eventually, the textile factory where Mohammad worked was destroyed in the fighting, and his children could no longer go to school because of the danger. Once the war reached Damascus, the family left Syria for Jordan to escape the violence and bombings.

"We can't even explain it," Mohammad said of the violence and destruction he and his family witnessed in Syria. "Shelling. Killing. Street

fighting. Nobody knows who's fighting who, but everybody dying is innocent people."

Conditions improved for the family in Jordan but they still faced hardship. Mohammad's children were able to attend school, but he could not work because he could not get a work permit given his refugee status. As a result, the family could not afford healthcare. As Syrians, Mohammad and his family also experienced discrimination in Jordan.

Mohammad was relieved when he arrived with his family in the United States, where he hoped there would be more opportunity for his children. His 8-year-old son is in school, already speaks English, and claims math as his favorite subject. Mohammad's 19-year-old daughter is finishing high school this year. His 21-year-old son has joined him in working at O'Hare. Mohammad feels fortunate to work alongside colleagues at O'Hare who represent over 100 nationalities. He says it is "very nice" to be in a welcoming environment where he can even observe his religion, as he did during the month of Ramadan.

However, Mohammad worries about relatives left behind and about whether he will see them again. Mohammad's two brothers, father, and stepmother remain in Syria, and he has not seen them since 2012. His father is 85 years old and has health problems. If the Muslim travel ban is upheld, Mohammad may never see his father again. Mohammad's wife also has 11 sisters and

4 brothers, some of whom are in Syria and Jordan. And Mohammad's daughter married a Jordanian citizen last year, and she worries that if her new husband is not able to come to the United States, she may have to consider returning to Jordan and being barred from reentering the country.

For Mohammad, the Trump Administration's proposed travel ban "is not right." Refugees are simply seeking a better life. He says: "It's very sad. Who would want to leave their home if they don't have to? People are running for their lives."

Marwan

Marwan is a senior organizer for SEIU, where has worked for the past thirteen years. Marwan is 43 years old and is a Yemen-born, naturalized U.S. citizen.

The first person in Marwan's family to arrive in the United States was his father. Marwan's father reunited the family by bringing his brothers, Marwan, Marwan's mother, and his siblings one by one to the Detroit area over the course of several decades. Marwan came to the United States in 1989 from Yemen and became a citizen in 1991. He is married with five children, aged 18, 13, 9, 6, and 3.

Many members of Marwan's and his wife's extended families remain in Yemen, where a civil war is raging. One of Marwan's brothers returned to Yemen before becoming an American

citizen and lives in the capital of Sana'a with his wife and five children. Approximately six months ago an airstrike hit a military compound 200 yards from that brother's house, shattering all the windows in the neighborhood. Marwan's nephew's arm was injured in the blast. Marwan's family's ancestral village has also been the target of rebel activity and air strikes. Nine relatives, including two of his cousins, have been killed in the last three years.

Marwan's wife's three brothers and three sisters also all live in Yemen. An elderly aunt in her eighties, who helped raise Marwan as his father worked to bring him to the United States, remains there as well and requires care. Marwan worries for the safety of all his and his wife's extended family members. He says: "I think about this every day and ask myself, 'How do I bring them here?'"

The challenged Executive Order will make it impossible for Marwan to reunite his family the way his father did in the past. "If my dad hadn't come to the United States, I would be there right now and living under terror. I would be stuck." And now Marwan worries that more of his family members, for whom he feels responsible, will be hurt or harassed by the warring factions in his home country.

Marwan currently works to help airport employees at O'Hare International Airport. As a union organizer who interacts every day with employees who came to the United States as

immigrants and refugees, he knows many other families are in the same situation. As he says: "This won't make America safe, only tear families apart."

Majd

Majd is a homecare worker, member of SEIU Local 2015, and naturalized U.S. citizen. Majd lives in San Jose, California, with her husband, her two children (aged 22 and 19), and her 90-year-old mother, all of whom are also U.S. citizens. Majd was born and educated in Syria, where she worked as an agricultural engineer until she came to the United States 25 years ago.

Most of Majd's extended family emigrated from Syria to the United States, with the exception of a nephew who is in the midst of processing his application for legal permanent residency. Majd's nephew lives alone in Damascus where he fears leaving his home. Although he is not affiliated with any political organizations, he has been arrested twice and was interrogated and jailed for several weeks by Syrian government agents. That experience, combined with Syria's brutal civil war and the departure of all of his family members, has plunged him into a severe depression.

Majd and her elderly mother, her nephew's grandmother, are desperate for her nephew to join them in the United States. Majd's mother suffers from diabetes, high blood pressure, heart problems, and arthritis. She fears that the

Executive Order will prevent her grandson from traveling to the United States before she dies. Majd worries about both her nephew and the effect on her mother of his inability to travel to the United States.

Edvin

Edvin, a member of SEIU United Healthcare Workers West, is a 41-year-old Kaiser employee who has been a chief union steward for 17 years. Edvin was born in Iran and came to the United States as a 9-year-old refugee 32 years ago. Edvin is a U.S. citizen and lives in Glendale, California.

When Edvin and his parents fled Iran in the 1980s, they left several family members behind. One of Edvin's cousins, a 27-year-old woman, came to the United States eight months ago as a refugee from Iran. She was granted refugee status after having lived alone in Austria for eight months while she waited for the United States to process her case. Prior to leaving Iran, she had always lived with her parents. Although she is grateful to be safe in the United States, she misses her parents terribly and had assumed they would be able to come visit her, since they had traveled to the United States several times in the past.

Edvin has provided support to his cousin during her transition to life in the United States. He would like for her to get the emotional support that a visit from her parents would provide, and he is saddened that the Executive

Order will prevent families from seeing each other: "I always believed that the United States was a place that valued family relationships and encouraged loved ones to be together. Now it seems like if you're from a Muslim-majority country, your family doesn't matter and you're treated as if you're a terrorist, no matter what your beliefs are."

K.K.

K.K. is an Iranian citizen and F-1 visa holder currently working in the United States as a postdoctoral researcher. In January 2017, K.K. was working at a prestigious American university where postdocs are currently organizing to form a union. After the first Executive Order was issued, K.K. was suddenly dismissed from her appointment. She had never received any negative performance reviews or feedback, and she was previously provided with a letter promising funding for her position through at least May 31, 2017. K.K.'s supervisor told her that the funding on the grant she was working on had dried up, but a colleague told K.K. that the supervisor confided the real reason for her dismissal was that the supervisor was concerned about having an Iranian citizen working on the research project after the issuance of the Executive Order.

Following her dismissal from the university, K.K. was able to secure a new position at a university in another state. However, she lost several months of work, which, in addition to

causing financial strain, delayed her ability to complete her research. K.K. also had to move to another state, and she estimates that moving to another university and another state cost her around $5,000 in out-of-pocket expenses.

CONCLUSION

For the foregoing reasons, amici urge this Court to affirm the decisions below.

Respectfully submitted,

LYNN K. RHINEHART
HAROLD C. BECKER
MATTHEW J. GINSBURG
AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
815 16th St., NW
Washington, DC 20006
Counsel for Amicus AFL-CIO

NICOLE G. BERNER
DEBORAH L. SMITH
Counsel of Record
LEO GERTNER
TRISHA PANDE
SERVICE EMPLOYEES INTERNATIONAL UNION
1800 Massachusetts Ave., NW
Washington, DC 20036
(202) 730-7455
debbie.smith@seiu.org

Counsel continued on next page.

JUDITH RIVLIN
AMERICAN FEDERATION
OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES
1101 17th St., NW,
Suite 900
Washington, DC 200036
Counsel for Amicus
AFSCME

DAVID J. STROM
AMERICAN FEDERATION
OF TEACHERS, AFL-CIO
555 New Jersey
Ave., NW
Washington, DC 20001
Counsel for Amicus AFT

JODY CALEMINE
COMMUNICATIONS
WORKERS OF AMERICA
501 3rd St., NW
Washington, DC 20001
Counsel for Amicus CWA

JOSEPH E. KOLICK, JR.
INTERNATIONAL UNION
OF PAINTERS AND
ALLIED TRADES,
AFL-CIO
7234 Parkway Dr.
Hanover, MD 21076
Counsel for Amicus
IUPAT

NIRAJ R. GANATRA
AVA BARBOUR
INTERNATIONAL UNION,
UNITED AUTOMOBILE,
AEROSPACE AND
AGRICULTURAL
IMPLEMENT WORKERS
OF AMERICA (UAW)
8000 E. Jefferson Ave.
Detroit, MI 48214
Counsel for Amicus UAW

MARIO MARTÍNEZ
MARTÍNEZ AGUILASOCHO
& LYNCH, APLC
1527 19th St., Suite 332
Bakersfield, CA 93301
Counsel for Amicus UFW

Counsel continued on
next page.

NICHOLAS CLARK
UNITED FOOD COMMERCIAL WORKERS
1775 K Street, NW
Washington, DC 20006
Counsel for Amicus UFCW

RICHARD J. BREAN
UNITED STEEL, PAPER AND
FORESTRY, RUBBER,
MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL
UNION, AFL-CIO-CLC
60 Boulevard of the Allies,
Suite 807
Pittsburgh, PA 15222
Counsel for Amicus USW